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HUMAN RIGHTS COMMITTEE

Eighty-second session

SUMMARY RECORD OF THE 2236th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 25 October 2004, at 3 p.m.

Chairperson: Mr. AMOR

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 6) (continued)

Fifth periodic report of Morocco (continued) (CCPR/C/MAR/2004/5; CCPR/C/82/L/MAR)

1. At the invitation of the Chairperson, the members of the delegation of Morocco resumed their places at the Committee table.

2. Mr. BHAGWATI commended the State party for the progress it had made in adopting human rights legislation since King Mohammed VI had acceded to the throne.

3. It would be useful to learn whether the family court had begun hearing cases. Additional details on the appointment of judges and the special training they received would be welcome. He would like to know what legislation had regulated the establishment of the Office of the Ombudsman. Information should be provided on the range of functions and powers of that Office, whether it could make recommendations and, if so, whether they were binding on the Government.

4. The functions of the Consultative Council on Human Rights and the other national human rights institutions should be clarified, particularly any bodies that had the power to investigate human rights violations and provide remedies.

5. It would be useful to learn the extent of violence against women and how successful the national strategy to combat that problem had been. More specific information should be given about the National Human Rights Education Programme's campaign against the stereotyping of women. It was unclear whether it covered all school levels and other levels of education, and whether it was a compulsory part of basic education. He requested additional information on measures that had been taken in response to the Prime Minister's letters calling for women to be appointed to senior decision-making positions.

6. The fate of the 16 people currently sentenced to death should be clarified, particularly in the light of the fact that no executions had been carried out since 1993.

7. He wished to know whether the inter-ministerial commission referred to in paragraph 36 of the report had proposed ratification of the Optional Protocol to the Covenant. If so, what steps had been taken in that regard?

8. Additional information on the powers of the Supreme Court would be welcome. It was unclear whether it could invalidate domestic legislation on the grounds that it violated rights enshrined in the Covenant. It would be interesting to learn in how many cases the Supreme Court had enforced those rights. Further details on administrative tribunals would also be useful, particularly regarding their composition, independence and functioning. He requested additional information on the steps that had been taken to set up the Administrative Appeal Court announced by the King in 1999. What was the composition of the Court and which body had the authority to appoint its officials?

9. Mr. YALDEN requested updated information on the work of the Consultative Council on Human Rights and other national human rights institutions. It was difficult to understand why the delegation had given such a positive account of the work of those bodies in the light of NGO assertions that the Consultative Council was neither effective nor independent.

10. Further details on the Ombudsman's Office should also be provided, including its achievements, any obstacles it had encountered and its procedure for handling complaints.

11. Mr. SHEARER requested more information on the Supreme Court decisions that the delegation had cited in response to question 3 of the list of issues. It would be useful to have a full account of the cases, and an explanation of how those decisions had confirmed that international law prevailed over domestic legislation.

12. Mr. GLÈLÈ AHANHANZO asked whether the reporting State considered its counter-terrorism legislation to be in accordance with the provisions of the Covenant and, if not, how it intended to remedy the situation.

13. He requested additional information on the various national human rights institutions. It would be particularly useful to learn how they coordinated their activities. He asked which was the principal human rights institution, how it worked with international bodies, who could bring cases before it and what its main achievements had been.

14. The CHAIRPERSON invited the delegation to respond to the Committee's questions.

15. Mr. HILALE (Morocco) said that the delay in implementing the Security Council's recommendation to hold a referendum on the question of self-determination in Western Sahara had been caused by disagreement between Morocco's political parties on the terms of the referendum. His Government was determined to continue its cooperation with the United Nations in order to resolve that issue in a fair and equitable manner, and to then work towards the integration of the Greater Maghreb.

16. Mr. ABDENNABAOUI (Morocco) said that the current Family Code was an updated version of legislation first enacted in 1958. Family courts were not independent entities, but were specialized branches existing within the national judicial system. Judges were given specialized training in questions relating to the Family Code in order to work in the family courts.

17. Specific legislation had been introduced to prevent human rights violations within the framework of marriage. Violence against women was considered an aggravating factor in such cases. Civil society organizations, which had done much to prevent violence against women, had the right to act as claimants for criminal indemnification cases that came before a family court.

18. Polygamy was a traditional Islamic practice that could not be deemed to undermine women's rights in a Muslim society. Statistics had, however, shown that it was no longer a common phenomenon. Legislation had sought to limit polygamy by making it subject to the

consent of the two wives involved and that of a judge. Moreover, a guarantee of equality between the two wives was required, as well as a justification of the need for polygamy. In all cases, the first wife had the right to seek a divorce if she did not consent to her husband's marriage to a second wife.

19. The nationality legislation enacted in 1958 was still in force, allowing Moroccan women to pass their nationality on to their children if the husband was a foreigner or stateless.

20. Abortion was permitted only if the health of the mother was in danger. In cases of incest or rape, abortion was illegal.

21. Moroccan law drew a distinction between debts arising from contractual obligations, as cited in article 11 of the Covenant, and other debts. The Criminal Code prohibited corporal punishment for any kind of debt.

22. It was the Supreme Council of the Judiciary, an independent body, which appointed judges. Their appointment, promotion and transfer were carried out on the basis of a royal decree, following a recommendation by the Supreme Council.

23. Although the administrative tribunals had not yet been established, the Government had every intention of establishing them. The other courts had been operating in their present form since 1993, under the aegis of the Supreme Council of the Judiciary.

24. Although capital punishment was provided for under the law, no executions had been carried out since 1993. There had been over 300 capital sentences, more than half of which had been commuted. In the remaining 145 cases, it was hoped that a royal pardon would be granted.

25. Mr. AMZAZI (Morocco) said that his country was resolutely committed to democracy, the rule of law and the effective protection of human rights. Over the past five years it had undertaken many significant reforms, and others were pending. It should be emphasized that the new anti-terrorist law had not been drafted subsequent to the bombings of 16 May 2003. Drafting had been initiated in November 2002, and the law had originally been scheduled for adoption on 19 May 2003. Following the events of 16 May, it was only natural that it should have been adopted as planned on the 19th. The events of 16 May had undoubtedly had a bearing on the acceleration of the adoption process, but they had not affected the drafting and discussion process. The law had not been applied retroactively to the events of 16 May, and not a single judicial decision relating to those events had been made pursuant to that law.

26. The anti-terrorist law obviously contained a number of exceptional provisions, which related, inter alia, to the duration of pre-trial detention, the cases in which a judge could order investigations or searches, and procedural provisions concerning the centralization of competence for anti-terrorist questions, which lay with a specialized examining judge and the Rabat Court of Appeal. The law was practically a carbon copy of the French law on the question and had also been based on the Arab Convention on the Suppression of Terrorism; it reflected all the related United Nations instruments to which Morocco was a party. The law did not

criminalize the simple exercise of a right. It covered terrorist acts and serious threats to law and order. From a legal standpoint, therefore, there could be no confusion between a demonstration and an act of terrorism.

27. The Consultative Council on Human Rights had been the first such institution to express concern about implementation of the anti-terrorist law. In that connection he pointed out that the Directorate-General for Surveillance of the Territory (DGST) was an agency responsible for collecting intelligence on counter-espionage, counter-subversion, and counter-terrorism, and did not perform any of the functions of the judicial police. In response to reports that the DGST had carried out arrests and interrogations and perpetrated torture, an investigation had been ordered by the Government, and a commission had been established within the Consultative Council on Human Rights to receive complaints based on those allegations. Once the commission had completed its work, the truth would be made public. If it was established that arbitrary arrests had been made or that torture had been perpetrated, those responsible would be sanctioned. Such sanctions were not unusual in his country, and police officers accused of violations of human rights had been subject to disciplinary or judicial proceedings.

28. In response to the observation that Morocco had chosen not to prosecute persons responsible for human rights violations in the past, he said there should be no confusion between the manner in which his country had dealt with violations in the past and the way it would deal with them in the future.

29. The information provided in relation to the Optional Protocol to the Covenant was up to date. The Inter-ministerial Commission for Public Freedoms and Human Rights was in the process of reviewing the harmonization of domestic legislation with international treaties, and the additional efforts necessary to complete the Government's programme of ratification of those treaties would be made. The issue of torture was a priority, and it had been officially announced that the reservation to article 20 of the Covenant would be withdrawn. In addition, a number of provisions would be added to the Criminal Code to define torture in its different forms and to list the applicable penalties. The process of ratification was in progress, and at the most recent meeting of the Inter-ministerial Commission, priority had been given to the Covenant and the Additional Protocol to the Convention on Transnational Organized Crime. The Commission's work was expected to be completed within the next few months.

30. As to the Office of the Ombudsman, he had only commenced his functions in January, and so his first annual report would not be submitted until December 2004. It was therefore difficult to give any additional information on his activities at present.

31. On the question of the independence of the Consultative Council on Human Rights, he believed that the reports of the Moroccan Human Rights Association (AMDH) were credible. However, the AMDH had been represented on the Council since its establishment in 1990. The statute of the Council could be examined in the light of the Paris Principles, but its conformity with them had already been proven. It was independent of the Government, Parliament and the judiciary, and its role was to act as adviser to the King on human rights. It was financed by the Royal Palace and had a broad mandate; it could be consulted by the King on any issue relating to human rights and could deal with any issues it judged necessary.

32. Mr. HILALE (Morocco), referring to question 9, said he had provided the Chairperson with a list of persons sentenced to death. He had also given him a copy of the Family Code, which unfortunately was only available in Arabic, and the draft law on torture.

33. The CHAIRPERSON expressed regret that the Family Code would unfortunately not be accessible to all Committee members. He hoped that the Committee would also receive other documents, particularly the decisions of the Supreme Council on compatibility between the Covenant and domestic legislation.

34. Ms. WEDGWOOD said that she would welcome statistics on women in the civil service. She would also like to hear more about a general constitutional right of equality. She was somewhat confused regarding the issue of repudiation, which was apparently now subject to court supervision. On the question of polygamy, it was clear that the task was to reconcile past and present, and to reassess the situation in the light of evolving wisdom and the modern situation of women.

35. Sir Nigel RODLEY said that he would welcome clarification of the issue of pre-trial detention. Did he understand correctly that on prosecutorial authority it was possible to detain a person without bringing him before a judge for 48 hours, plus 48 hours, plus 96 hours, and, in terrorist cases, a further 96 hours? Was it true that direct access by a lawyer was not permitted during those periods of detention? That had been a matter of concern for the present Committee and the Committee against Torture, in that, in addition to being incompatible with article 9 of the Covenant, such lengthy periods were typically seen by law enforcement authorities as a green light to carry out torture. Were any reforms planned in that area?

36. The guarantee of prosecutorial inspections of places of detention was not sufficient on its own. Were there any plans for independent inspections? He noted with satisfaction the assurance that any detention by the DGST would be illegal, and that the inquiry being carried out would result in prosecution of those responsible, regardless of the allegations of ill-treatment. He would welcome more information on the nature of the investigation. Which authorities had been established? Whom did they report to? When would they be reporting? And would the report be made public? In his view, the investigation could send a major signal on Morocco's attitude to the protection of human rights.

37. As to the Equity and Reconciliation Commission, he was concerned at the equation of justice with revenge. Requiring the perpetrators of criminal acts to be brought to justice was not coterminous with the notion of revenge, but rather had to do with the vindication of justice in an organized society under the rule of law. Regarding disappearances, which were considered a crime under international law, it was unclear by what principle Morocco could unilaterally relieve itself of the obligation to bring to justice those who might have perpetrated such serious crimes. Even if the perpetrators were not brought to justice, to leave them in positions of authority was not the right signal to send out. Was it true that the Commission dealt only with disappearances and arbitrary detentions, and not alleged extrajudicial executions or torture?

38. Mr. SOLARI YRIGOYEN said that he would welcome information on reports that prisoners had been transferred to Morocco from Syria, Pakistan and the United States. If the reports could be confirmed, he would be interested to learn what law was being applied to them.

39. Mr. LALLAH requested a response to his question on persons extradited from places such as Guantánamo Bay. He would be interested to learn the numbers involved, the places they had been extradited from, whether there had been trials, and the charges brought against them.

40. Mr. AMZAZI (Morocco) said that there had been no extraditions of Moroccans detained at Guantánamo. A number of prisoners had been returned to Morocco in accordance with a decision of the United States justice system. His Government could not refuse Moroccan citizens entry into the country, and the returnees, who were alleged to have been closely involved in the activities of the Al-Qaida terrorist network, were considered to be in possession of information that could be useful to the Moroccan authorities. The Minister of Justice had announced to the press that on 1 August 2004 five Moroccan citizens had been returned to Morocco from Guantánamo. On instructions from the Prosecutor-General of the Rabat Court of Appeal, the returnees had been placed at the disposal of the national criminal investigation department, which had launched an investigation into their alleged links with Al-Qaida. They had subsequently been brought before the Office of the Prosecutor of the Rabat Court, which had begun proceedings immediately. The returnees were currently under examination by an investigating judge specializing in terrorist activities and were being held in an ordinary prison.

41. The mandate of the Equity and Reconciliation Commission was based on a broad interpretation of the term "arbitrary detention". For the purposes of the Commission's work, arbitrary detention was considered to be detention by unauthorized persons, in unauthorized facilities, for illegal periods of time and in a manner that threatened the freedom and dignity of the individual concerned. The term "arbitrary" covered all types of disappearances, both within and outside the national territory, that had occurred extrajudicially.

42. Under anti-terrorist legislation, arrested persons could be remanded in custody for a period of 96 hours, renewable twice. Detainees were normally granted access to a lawyer after the first 96-hour period had elapsed, but the Prosecutor-General's Office could withhold access for an additional 48 hours if the investigation so required. That was not done systematically, all remand periods were established on a case-by-case basis.

43. Mr. HILALE (Morocco) urged the Committee to make an objective evaluation of progress achieved in Morocco since the 1990s, bearing in mind the country's economic and social context. The new King had striven to develop the human rights protection system and to further the process of democratization. Although anti-terrorist measures were currently being highlighted, his Government did not want concentration on those measures to be detrimental to its democratization efforts. Action must be taken to target terrorism, but Morocco's priority was to establish general respect for individual rights and freedoms, and to develop an open society. Great headway had been made in furthering human rights protection and there had been a considerable increase in the activities of human rights NGOs in Morocco. Such organizations already made a considerable contribution to the Government's human rights activities, and efforts were being made to further increase links between the Government, NGOs and civil society. As a developing country, Morocco was striving to overcome social problems and improve the human rights situation for the whole population.

44. Ms. CHANET asked under what decisions the five Moroccans involved with Al-Qaida had been returned to Morocco after being detained in Guantánamo, what were the reasons for returning them, and what Moroccan legislation provided for the punishment of nationals convicted of crimes committed abroad.

45. Mr. AMZAZI (Morocco), replying to Mr. Solari Yrigoyen's question, said that the return to Morocco of the five prisoners from Guantánamo was a particularly sensitive issue. Although they could be regarded as a security risk in Morocco, their return was of interest to the judicial services and the Government. They were awaiting trial for different offences, including participation in international terrorist networks, financing terrorism, and offences not directly related to terrorism, such as possession of falsified identity documents. Morocco had not been the only country to receive returned detainees from Guantánamo.

46. There had been no extraditions of Moroccans from Syria or Pakistan after the terrorist attacks of 11 September 2001. Following the attacks at Tora Bora in Afghanistan, many of the Moroccans in the country had fled and attempted to return to Morocco. Some had travelled through Iran, Iraq and Syria, but some had stayed in those countries. Those who had returned to Morocco had been investigated immediately after their entry into the country. He was unaware of any Moroccans having been returned from Syria or Pakistan.

47. Mr. ABDENNABAOUI (Morocco) said that Moroccan citizens could be tried in Morocco for an offence committed abroad if they had not been sentenced in the country where the offence had been committed.

48. Mr. HILALE (Morocco) said that the Committee's additional questions would be submitted to the Moroccan authorities and written replies provided in due course.

49. The CHAIRPERSON invited the delegation to respond to questions 19 to 27 of the list of issues.

50. Mr. MOKHTATAR (Morocco) said in reply to question 19 that all Moroccan citizens had the right to travel freely outside the national territory. Like all other countries, Morocco recognized the authority of the police to take the necessary legal action to ensure the protection of public order, if necessary by preventing certain individuals from leaving the country. Further details on that question could be found in the delegation's written replies to the Committee.

51. Mr. ABDENNABAOUI (Morocco), replying to question 20, said that any persons facing the risk of expulsion from Morocco following illegal entry had the right to appeal against deportation orders.

52. Mr. AMZAZI (Morocco), referring to question 21, said that two journalists had been sentenced to fines and prison terms under the Press Code and Anti-Terrorism Act. They had spoken favourably of what they had termed the "Battle of New York" of 11 September 2001. A further action had been brought against a journalist who had withheld information that could have been useful to officers engaged in police counter-terrorism measures. Another case had involved prosecution for slander of the King.

53. Regarding the right of peaceful assembly, meetings of legally recognized bodies and cultural, scientific and leisure groups did not require authorization. Other meetings simply required giving notice to the authorities.

54. Moving on to question 23, he said that there had been one case of the prosecution of a Saharan individual who had participated in the development of the separatist movement within the national territory. Following the establishment of the Equity and Reconciliation Commission, the journalists mentioned in question 21 had been freed, as had the Saharan, despite the fact that he had refused to request the King's pardon. He had given interviews to a variety of international press agencies, claiming Saharan nationality. He had not been intimidated, persecuted or interrogated by the Moroccan authorities.

55. He requested the Committee to provide the names of the students who had reportedly been expelled from universities for supporting fundamentalist organizations, in order to enable the authorities to investigate those cases and give a satisfactory answer to question 24.

56. Mr. ABDENNABAOUI (Morocco), responding to question 25, said that under domestic legislation the sale and purchase of children were criminal offences. Violence against children was punishable by law, and penalties were imposed for all types of ill-treatment and cruelty towards children. Currently, by law, children born to a Moroccan mother and a foreign or stateless father were granted Moroccan nationality. That law was due to be reviewed in the near future.

57. Human rights had been incorporated in school and university curricula, and in training courses for judicial personnel and law enforcement officials. The texts of the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights had been disseminated more widely in recent years. Morocco was soon to become a member of the United Nations Commission on Human Rights.

58. Ms. WEDGWOOD, referring to articles 12 and 19 (2) of the Covenant, noted that Morocco had conceded, in a submission to the Commission on Human Rights at its 2004 session, that the Government had prevented a number of people from travelling to Geneva to take part in a human rights event and in meetings of the Commission itself by seizing their travel documents in Casablanca. The reasons given were that the Criminal Code criminalized contacts by Moroccan nationals with foreigners that might tarnish the image of Morocco or jeopardize its territorial integrity, and that the Press Code prohibited the dissemination of seditious documents. If the persons concerned had merely intended to address the issue of Western Sahara, such conduct could not be interpreted as falling within the restrictions on freedom of expression permissible under article 19 of the Covenant or the national security or public order restrictions on travel permissible under article 12. Morocco's image would not be tarnished by allowing its citizens to enjoy the right to freedom of speech, as protected by the Covenant.

59. Mr. RIVAS POSADA noted that, despite amendments to the Press Code replacing prison terms with fines, journalists had still been imprisoned for expressing their opinion. He reminded the delegation that the Committee, in paragraph 23 of its concluding observations on Morocco's fourth periodic report (CCPR/C/79/Add.113), had expressed concern about the penalties

imposed on journalists who expressed opinions deemed injurious to the royal family or concerning the issue of Western Sahara. He enquired about the legal justification for the dissolution of the Western Sahara branch of the Forum for Truth and Justice, a step that had been taken just a few days after the enactment of the country's counter-terrorism legislation. The implication was that the conduct of some members of the Forum was considered comparable to terrorism. He would welcome any explanation or clarification the delegation could provide.

60. He was concerned about complaints from groups or religious communities such as the Baha'is, who complained of harassment and restrictions on their activities.

61. He invited the delegation to comment on the situation of the detainees - viewed as political detainees by international opinion - who had been sentenced to death some 20 years previously. He mentioned in particular Ahmed Chahid and Ahmed Chaib, who had reportedly been convicted of national security offences in 1984 but whose death sentence had been neither commuted nor executed. He would welcome reassurance that capital punishment was no longer practised in Morocco.

62. With regard to freedom of assembly, the delegation had stated that prior authorization of public gatherings was not required and that notification was sufficient. But there were many complaints to the effect that delivery of the certificate of notification was frequently delayed by the authorities on the grounds that a surety deposit must be provided.

63. It was also unclear whether prior authorization was required to establish an association. He asked whether restrictions were applicable to particular categories of association. The Committee had been informed, for example, that members of the judiciary did not enjoy full freedom of association.

64. The delegation had not replied to the Committee's question concerning students who had reportedly been expelled from certain universities for supporting or joining organizations deemed to be fundamentalist.

65. He associated himself with other Committee members who had described the continuation of imprisonment for debt as a violation of article 11 of the Covenant and urged the State party to introduce the necessary amendments to its legislation.

66. He was concerned at the number of cases in which the King intervened to pardon or order the release of detainees. His objection was not, of course, to the pardons as such but to the fact that the royal intervention often seemed to be the only remedy for miscarriages of justice.

67. Mr. SOLARI YRIGOYEN, while thanking the delegation for its detailed reply to question 20 concerning the expulsion of aliens, drew attention to the Act of 11 November 2003 which permitted immediate expulsion in the case of an offence related to terrorist activities, immoral conduct or drugs. Moreover, if the expulsion was imperative for reasons of State security or public safety, the grounds for non-expulsion under article 26 of the Act would not be applicable. He asked whether in those circumstances aliens facing expulsion were denied a hearing before the President of the Administrative Tribunal and would not be allowed to appeal.

68. Articles 220 and 221 of the Criminal Code, which prohibited any attempt to convert a Muslim to another religion, were incompatible with article 18 of the Covenant. Although Jews and Christians were apparently able to practise their religion freely, the Baha'is complained of a ban on their community activities and institutions since 1983. In its concluding observations on Morocco's previous report, the Committee had expressed concern that freedom of religion and belief was not fully guaranteed and had advised against restricting the right to change one's religion either directly or indirectly.

69. Referring to changes in the rules regarding compulsory military service, he asked whether the right to conscientious objection was respected, whether alternative civilian service existed and, if so, how its duration compared with that of military service.

70. He noted that although the employment of children under 14 years of age was illegal, many children worked in practice, especially in rural areas or as domestic servants. What measures was the Government taking to ensure compliance with the law throughout the country?

71. A child born in Morocco to a Moroccan mother and a foreign father did not enjoy the right to nationality under existing Moroccan law. He understood that the situation would change under the new legislation that was being drafted and asked how soon that legislation was likely to be enacted.

72. Mr. LALLAH enquired about the number of people practising the Baha'i religion.

73. Ms. CHANET said that child labour was reportedly not confined to rural areas and domestic service but was a far more widespread phenomenon. She asked what action was contemplated in the branches of economic activity concerned, such as carpet-making. Did the Government intend to enact legislation or to intervene directly in the private sector?

74. Referring to article 23 of the Covenant concerning the equal rights of spouses, she asked whether it was possible under the amended Family Code for a Moroccan Muslim woman to marry a non-Muslim.

75. Mr. ANDO, referring to the issue of retroactive application of criminal law, noted that the counter-terrorism legislation of 28 May 2003 had been applied to acts related to the bombings that had taken place in Casablanca on 16 May 2003.

76. He enquired about the fate of the two political prisoners mentioned by Mr. Rivas Posada, who had apparently been in detention for longer than any other prisoners in the Arab world.

77. Mr. HILALE (Morocco) assured the Committee that there were no longer any political prisoners in Morocco. Neither the Commission on Human Rights nor its Sub-Commission had ever taken up the case of any Moroccan detainee on death row. In fact, he had just obtained a list of prisoners held on death row which did not contain the names mentioned by Mr. Rivas Posada. However, he would look into the matter if further details could be obtained of the establishments in which they were allegedly being held and of the crimes for which they had been sentenced. Although he appreciated the work done by NGOs, they were sometimes misinformed.

78. With regard to the fundamentalist students who had allegedly been expelled from university, he would also make further enquiries if he was given their full names. He would be surprised, however, if the reports were true since the largest student organization in Morocco was dominated by fundamentalist students.

79. Mr. AMZAZI (Morocco) said that the dissolution of the Sahara branch of the Forum for Truth and Justice did not violate the right to freedom of expression since that right should be exercised in a peaceful manner. Mr. Salek Bazaid had taken part in criminal activities such as throwing stones at shops, wrecking private cars and throwing Molotov cocktails. He had been sentenced to one year's imprisonment and the prosecutor had requested the Laayoune court to disband the branch of the Forum in question pursuant to the Associations Act. The court's decision, reached in accordance with due process, to close the branch had not been appealed. The Forum continue to operate freely in the rest of Morocco.

80. Judges could not join political parties or trade unions, but they were allowed to form professional associations to defend their interests and had done so.

81. He failed to see why the granting of royal pardons might be considered undesirable since it merely demonstrated the generosity of the Moroccan Head of State. Moreover, it did not prevent convicted persons from resorting to other remedies available under the law. Since the recent reform of the Criminal Code, all court judgements without exception could be appealed and that right was not undermined by the royal pardon.

82. Although Islam was recognized by the Constitution as the State religion, all persons present in Morocco enjoyed full religious rights and were free to practise their religion. However, it was a criminal act under Moroccan law to attempt to undermine a Muslim's faith or to seek to convert Muslims to another religion, for instance by exploiting their social or economic situation. Identity cards in Morocco contained no reference to the bearer's religion.

83. A Muslim woman could not marry a non-Muslim because the Islamic Shariah prohibited such unions. Similarly, Moroccan women who were Jewish were not allowed by their religion to marry non-Jews.

84. The CHAIRPERSON said he had looked at the list of prisoners on death row and found that the longest-serving prisoner had been in detention since 1992. He had not seen the two names mentioned by Mr. Rivas Posada.

The meeting rose at 6 p.m.